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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,635	01/28/2004	Masatsugu Hatanaka	60712 (49321)	5425
7590	04/29/2005			EXAMINER GHATT, DAVE A
Dike, Bronstein, Roberts & Cushman Intellectual Property Practice Group Edwards & Angell, LLP P.O. Box 9169 Boston, MA 02209			ART UNIT 2854	PAPER NUMBER
DATE MAILED: 04/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/767,635	HATANAKA ET AL.
	Examiner	Art Unit
	Dave A. Ghatt	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,4 and 5 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,4 and 5 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtsuki (US 5,920,758) in view of Green (US 5,513,839). As illustrated in Figures 1 and 3, Ohtsuki teaches the claimed image forming apparatus. Figure 2 of Ohtsuki illustrates an image scanning section 100 located at an upper part of a housing of the apparatus for scanning an original to obtain image information therefrom. Figures 1 and 2 also illustrate a sheet feeding section (shown generally at 10) located at a lower part of the housing for feeding sheets used for image forming. Figures 1 and 2 show an image forming section 200 disposed between the image scanning section 100 and the sheet feeding section 10 at one side of the housing. As shown in Figure 2, Ohtsuki teaches the image scanning section 100, the image forming section 200 and the sheet feeding section 10 arranged generally in a U shape cross-section in the housing. As shown in Figure 1, a sheet delivery portion 300 is formed in an inner empty space of the housing just between the image scanning section 100 and the sheet feeding section 10. As shown in Figure 7, Ohtsuki teaches one side and the front of the inner empty space contiguously open to the exterior of the apparatus. Figure 3 shows, and column 6 lines 1-22 outlines the structure where, the

length (L1) of the sheet delivery portion 300 as measured along a sheet transport direction is made smaller than the length (L2) of a maximum printable sheet size.

Ohtsuki teaches all the claimed structure for an image forming apparatus, further including sheet output rollers 14. However, the output rollers of Ohtsuki do not include a shifter mechanism as recited. Green teaches a shifter mechanism as claimed. As taught in column 2 lines 63-67, Green teaches sheet output rollers that are used as offset rollers for offsetting printed sheets along a direction perpendicular to the sheet transport direction to selectively discharge the printed sheets to different sheet delivery positions on the sheet delivery portion. Figures 1 and 2 of Green also illustrate discharge rollers mounted on shifting shafts 21 and 22. To one of ordinary skill in the art, it would have been obvious to use a sheet output shifter mechanism system, as taught by Green, in the invention of Ohtsuki, in order to distinguish imaged sheets from different print jobs.

With respect to claim 4, as outlined above, Ohtsuki teaches all the claimed structure for an image forming apparatus, further including sheet output rollers 14. However, the output rollers of Ohtsuki do not include a shifter mechanism as recited. Green teaches discharge rollers with a shifter mechanism as claimed. As shown in Figures 1 and 2, Green teaches an offset unit mounted in the apparatus movably along the direction perpendicular to the sheet transport direction. Green also teaches offset rollers (18,19) for ejecting the printed sheets. As illustrated in Figures 1 and 2, and as outlined in column 5 line 64 to column 6 line 3, Green teaches the shifting of the offset unit along the direction perpendicular to the sheet transport direction, utilizing offsetting force generator M1 to provide this function. Green also teaches a driving force transmission part, spleen drive 31, connected to the offset rollers (18,19), and a roller

turning force generator M2 for turning the driving force transmission part. To one of ordinary skill in the art, it would have been obvious to use a sheet output shifter mechanism system, as taught by Green, in the invention of Ohtsuki, in order to distinguish imaged sheets from different print jobs.

With respect to claim 5, as shown in Figure 7 of the primary reference Ohtsuki, the apparatus includes the sheet delivery portion shaped to form a generally horizontal sheet receiving surface extending in a direction perpendicular to a sheet output direction.

Response to Arguments

3. The examiner has considered the applicant's amendments and arguments filed February 15, 2005. Because the examiner is not persuaded by the applicant's arguments, rejections have been essentially maintained. The examiner respectfully disagrees with the applicant's argument that the rejection based on Ohtsuki and Green is influenced by hindsight. The applicant should note that shifting mechanisms in copying devices are well known, and as a result the claimed subject matter would have been obvious to one of ordinary skill in the art over Ohtsuki in view of Green.

The applicant's attention is invited to patents to Mandel et al. (US 5,342,034) and Okabe et al. (US 5,590,871) both teaching the shifting mechanisms. The applicant should note column 8 lines 28-43 Mandel et al. , stating:

"individual job sets partial offsetting in the rearward or process (input) direction from other otherwise commonly stacked job sets. Copier output tray lateral or side-shifting for plural stacked sets offsetting is also well known, e.g., U.S. Pat. No. 4,157,059."

On page 5 of amendment, the applicant argues that neither Ohtsuki or Green patent, or “any combination thereof, discloses a shifter mechanism that allows for grasping and removal of sorted copies of printed sheets from either the front or the side of the image forming apparatus.” The applicant should note that the provision argued here is **not** required by the language of the claims.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A. Ghatt whose telephone number is (571) 272-2165. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAG



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